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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,897	07/24/2003	Jeffrey M. Wemmer	BEST-26,383	2564
25883	7590	03/03/2005	EXAMINER	
HOWISON & ARNOTT, L.L.P P.O. BOX 741715 DALLAS, TX 75374-1715			BRITTAIN, JAMES R	
			ART UNIT	PAPER NUMBER
			3677	
DATE MAILED: 03/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,897

Applicant(s)

WEMMER, JEFFREY M.

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 18-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-13 and 16 is/are rejected.
- 7) ☒ Claim(s) 7-9, 14, 15 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10312003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Invention I in the reply filed on January 10, 2005 is acknowledged.

Claims 18-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on January 10, 2005.

Claim Objections

Claims 8 and 9 are objected to because of the following informalities: The limitation "disposed the locking member" (claim 8, line 5) lacks the appropriate preposition in context and is objected to. Claim 9 is objected to through its dependence on an objected to claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-6, 10-13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (US 842498) in view of Fradin (US 4231135).

Schmidt (figures 1-6) teaches an interlocking system comprising a plurality of discrete loops 9 sewable to a substrate to form two interdigitated loop columns. There is a locking member 13 that can extend through the interdigitated columns formed of discrete elements to

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lock the loops 9 together. The difference is that the loops are discrete and not connected together to form oppositely facing loop columns and the loops are not molded. However, Fradin (figures 1, 2) teaches that one having ordinary skill in the art would realize there is a benefit to not having single loops connected to form loop columns as taught by the structures of Fradin in plastic members 11, 12 so as to have dimensional stability and make assembly easier by having the loops pre-formed into loop columns. The plastic members are molded by extrusion so as to be flexible. As it would be advantageous to maintain dimensional stability in the fastener of Schmidt while making assembly easier, it would have been obvious to link the discrete loops of the fastener of Schmidt together to form the loop columns from a common base in view of Fradin teaching that it is advantageous to do so by a structure molded by extrusion for dimensional stability and ease of assembly while providing enhanced flexibility. As to claims 4 and 5, Fradin suggests the flexible structure and the device functions to retain the locking member so as to keep the passage through the knuckles open. As to claim 6, Fradin suggests the use of plastic and such material is commonly molded and while extruded as taught by Fradin, the use of injection molding does not impart a difference to the structure of the device as suggested by Fradin and applicant is given Official Notice that injection molding is a common method of fabrication. As to claim 11, the dimensions are variables to be chosen by one having ordinary skill in the art and the choice is therefore obvious.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (US 842498) in view of Fradin (US 4231135) as applied to claim 1 above, and further in view of Anscher (US 5604958).

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Further modification of the fastener of Schmidt such that the fasteners are sewn around their periphery would have been obvious in view of Anscher (figure 10) in which the adapters 28, 29 have a plurality of connectors for the opposite adapter and are stitched around their periphery to the substrate.

Allowable Subject Matter

Claims 7-9, 14, 15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to obviate the above objections.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent of Matoba (US 4799298, figures 1, 7) teaches pertinent fastener structure.

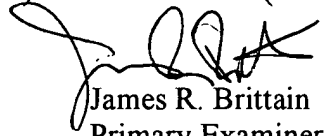
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (703) 308-2222.

The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB